

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of SOUTHERN CALIFORNIA GAS COMPANY for authority to update its gas revenue requirement and base rates. (U 904 G)	Application 02-12-027 (Filed December 20, 2002)
Application of SAN DIEGO GAS & ELECTRIC COMPANY for authority to update its gas and electric revenue requirement and base rates. (U 902-M)	Application 02-12-028 (Filed December 20, 2002)
Investigation on the Commission's Own Motion into the Rates, Operations, Practices, Service and Facilities of Southern California Gas Company and San Diego Gas & Electric Company.	Investigation 03-03-016 (Filed March 13, 2003)

**ADMINISTRATIVE LAW JUDGE'S RULING
ADOPTING A CONFIDENTIALITY PROTOCOL FOR MODELING**

Southern California Gas Company (SoCalGas) and San Diego Gas & Electric Company (SDG&E) chose to use a confidential model and its inner workings are currently safeguarded in above captioned proceedings by a January 22, 2003 Ruling that adopted a Protective Order. It is necessary and prudent to adopt confidentiality protocols and procedures to govern the production of computer model runs using the SoCalGas and SDG&E results of operations (RO) model to generate analysis needed for Commission deliberation on the authorization of test year 2004 revenue requirements.

This Ruling adopts modeling procedures and an attendant protective order for this proceeding. They shall govern the RO modeling process that will

be administered by the Energy Division to provide analytical support the Administrative Law Judge and any Commissioner(s) who may propose an alternative decision.

IT IS RULED:

1. That in order to assure the confidentiality of the Commission's deliberative process, the modeling procedures set forth in Attachment A to this ruling, and the attendant protective order set forth in Attachment B to this ruling, are hereby adopted. These procedures are binding upon the parties.

2. In accordance with the electronic service protocols adopted in this proceeding no hard-copy of this ruling will be served on parties.

Dated November 7, 2003, at San Francisco, California.

/s/ DOUGLAS M. LONG

Douglas M. Long
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by electronic mail this day served a true copy of the original attached Administrative Law Judge's Ruling Adopting a Confidentiality Protocol for Modeling on all parties of record in this proceeding or their attorneys of record.

Dated November 7, 2003, at San Francisco, California.

/s/ ELIZABETH LEWIS

Elizabeth Lewis

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.

ATTACHMENT A
RESULTS OF OPERATIONS MODELING PROCEDURES

Upon request of the Energy Division Director or his designee(s), Southern California Gas Company (SoCalGas) and San Diego Gas & Electric Company (SDG&E) and/or the Office of Ratepayer Advocates (ORA) will provide all necessary assistance to the Energy Division to run the Results of Operations (RO) model or spreadsheets as originally used by SoCalGas and SDG&E in Phase 1 of A.02-12-027 and 02-12-028 and I. 03-03-016 to produce tables required for the proposed decision, any alternate decision(s), and the final Commission decision. The following requirements shall govern the modeling process:

1. Model run(s) shall be performed at the Commission offices under the supervision, oversight, and control of the Energy Division Director or his designee(s).
2. Model run(s) shall only be performed using computer hardware, software, and media installed or placed in the Commission Offices. All such hardware, software, and media, and all related notes, worksheets, workpapers and computer output, shall remain in the custody of the Energy Division Director or his designee(s), and shall not be removed from the Commission Offices until 30 days after issuance of a final Commission decision which incorporates the model run, provided, however, that to the extent needed for issuance of the decision and issuance of supporting workpapers, media, notes, worksheets, and computer output may be released on and after the date of issuance of the proposed or alternate decision(s).
3. The computer equipment used to perform model runs shall be “stand-alone,” i.e., it shall not be connected with any other computer, computer system,

or any other device which would allow communication of information in the model, model run, or inputs or outputs.

4. Before obtaining access to any information contained in or pertaining to the draft proposed decision or any alternate decision (prior to the issuance of a final decision adopting SoCalGas and SDG&E Test Year 2004 revenue requirement in Phase 1 of A.02-12-027, et al.), each employee, agent, or representative of SoCalGas and SDG&E and/or representative of ORA involved in the modeling shall sign a certificate assuring compliance with the protective order attached hereto.

5. The Energy Division Director or his designee(s), shall determine that each SoCalGas and SDG&E employee, agent, or representative and representative of ORA who receives access to information about the contents of the proposed decision and any alternate decision(s) has first signed a certificate of compliance with the protective order.

6. As soon as practicable after the date of issuance of the proposed decision and, if applicable, alternate decision(s), and no later than seven days after issuance, Energy Division, and if necessary with the assistance of employees, agents, or representatives from SoCalGas and SDG&E and/or representatives of ORA that have signed a certificate of compliance with the protective order, shall serve workpapers associated with this modeling upon each party of record making prior written request for them. Workpapers associated with the model run supporting the ALJ's proposed decision shall be designated as a Late-Filed Exhibit. If it is necessary for Energy Division to prepare and issue an alternative set of workpapers in connection with one or more alternate decisions, other Late-

Filed Exhibits may be served for this purpose. Workpapers may be served in electronic form.

7. To the extent that Energy Division believes that the workpapers contain confidential information, it will consult with SoCalGas and SDG&E and, if necessary, un-redacted copies of the confidential workpapers will only be provided to parties that have executed a Certificate of Compliance with the January 22, 2003 Protect Order. The protective order attached hereto is only designed to prevent disclosure of confidential information prior to the issuance of the final decision adopting SoCalGas and SDG&E's Test Year 2004 revenue requirement in Phase 1 of A.02-12-027 et al.

8. Any and all drafts and otherwise unused analysis that does not directly support or is required for the proposed decision, any alternate decision(s), and the final Commission decision, is to be destroyed or otherwise deleted. All information in this category remains confidential permanently and may not be disclosed.

(END OF ATTACHMENT A)

**ATTACHMENT B
PROTECTIVE ORDER**

1. This Protective Order shall govern the use by Southern California Gas Company (SoCalGas) and San Diego Gas & Electric Company (SDG&E) or any of its employees, representatives or agents and representatives of the Commission's Office of Ratepayer Advocates (ORA) of all protected materials as defined herein. "Protected Materials" include confidential written or oral communications from the staff of the Commission's Energy Division or ALJ Division, or any Commissioner or Commissioner's advisor, which reflect or relate to the contents of the draft proposed decision or any alternate decision prior to the public issuance of a final decision in Phase 1 of A.02-12-027 et al. adopting SoCalGas and SDG&E's Test Year 2004 revenue requirement. "Protected Materials" also include all computer hardware, software or media, notes, worksheets, workpapers, computer inputs, computer outputs, or any other documents that relate to these written or oral communications from the Energy Division staff.

2. The term "Certificate of Compliance" shall mean the certificate annexed hereto by which SoCalGas and SDG&E employees, representatives or agents, and/or representatives of ORA who will be granted access to Protected Materials, shall certify their understanding that access to Protected Materials is provided pursuant to the terms and restrictions of this Protective Order, and that they have read the Protective Order and agree to be bound by it. No SoCalGas and SDG&E employee, representative or agent, or representative of ORA will be permitted access to any Protected Materials without first having signed and dated a Certificate of Compliance. Prior to such access, SoCalGas and SDG&E and ORA shall provide the Commission's Energy Division with the original of each Certificate of Compliance that has been executed, and shall serve a copy of

each Certificate of Compliance on all parties on the Commission's service list in this proceeding.

3. The term "Reviewing Representative" shall mean each SoCalGas and SDG&E employee, representative or agent, and representative of ORA who has signed a Certificate of Compliance and been granted access to the Protected Materials. Each Reviewing Representative shall treat as confidential the Protected Materials and shall not disclose in any manner any information contained in or relating to the Protected Materials to any person, except another Reviewing Representative or an employee of the Commission involved in the decision making process in this proceeding (excluding Office of Ratepayer Advocates' employees not having signed the certificate of compliance with the Protective Order), until after issuance of a final decision in Phase 1 of A.02-12-027 et al. adopting SoCalGas and SDG&E's Test Year 2004 revenue requirement.

4. An appropriately authorized supervisor in SoCalGas and SDG&E management or ORA management, who has authority over each Reviewing Representative, shall instruct each Reviewing Representative to read and agree to comply with this Protective Order. Assigned legal counsel and the supervisor in SoCalGas and SDG&E management, or ORA management, shall also take all reasonable and necessary steps to ensure that no one else at SoCalGas, SDG&E or ORA attempts to learn from any Reviewing Representative the contents of any Protected Materials prior to the issuance of the final decision in Phase 1 of A.02-12-027 et al. adopting SoCalGas and SDG&E's Test Year 2004 revenue requirement.

5. Any violation of this Protective Order shall constitute a violation of an order of the Commission.

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CERTIFICATE OF COMPLIANCE

I hereby certify my understanding that my access to Protected Materials is provided pursuant to the terms and restrictions of the Protective Order in this proceeding, that I have been given a copy of and read the Protective Order, and that I agree to be bound by it. I understand that the contents of the Protected Materials and any notes or any other form of information that relates to the Protected Materials shall not be disclosed to anyone other than in accordance with that Protective Order. I acknowledge that a violation of this certificate constitutes a violation of an order of the Public Utilities Commission of the State of California.

By: _____ Title: _____

Organization: _____ Date: _____

(END OF ATTACHMENT B)